

DEFINITIONS FOR ADULT OUT-PATIENT RESTORATION SERVICES – UPDATED SEPTEMBER 1, 2014

SERVICE FUNCTIONS - There are 3 service functions listed on the DBHDS Adult Competency Restoration Services Report. They are assessment, case management and restoration. The definitions are listed below.

1. ASSESSMENT – Some CSBs are not recording their time in the assessment category. Assessment is not only a separate category, it is also a **REQUIRED** part of the adult restoration process. Assessment should be completed for every court order that is received by the CSB for O-P services and then recorded on the DBHDS Adult Competency Restoration Services Report. See Exception at the end of the notes for Assessment. This initial phase of the restoration process called assessment has nothing to do with the initial or outcome competency evaluation time of the evaluator. The assessment phase will usually include case management time as well. This is a required function and must be provided by the CSB for all Out-Patient Restoration court orders. The allowable reporting activities in this category include the following:

- collection of the necessary collateral materials (restoration order, competency evaluation, jail medical info),
- review of medical/treatment collateral materials and preparation for initial interview(s),
- initial interview(s) with the defendant and/or jail medical staff and/or other collateral contacts,
- travel time to assess the defendant and return to the office, and
- coordination of psychiatric services or psychological testing when indicated

NOTE 1: One of the fundamental reasons for the assessment phase in the process is to ascertain if the defendant's mental status is such that out-patient services for defendants on bond or incarcerated will not be contraindicated for the defendant with mental illness. The CSBs regularly make inpatient determination for adults with mental illness; it should not be any different when there is a defendant with an adult restoration court order. A minimum of 2-3 visits with the defendant is suggested before the CSB designee makes a recommendation to the court that "inpatient" services are actually necessary for the restoration of the defendant, but not at the expense of the defendant who clearly needs inpatient services upon the initial CSB visit. These visits should be conducted as soon as possible to ensure a timely response to the order.

NOTE 2: An outcome evaluation is not required when the CSB recommends inpatient restoration services at the end of the assessment phase and prior to the initiation of restoration services. The CSB should complete and submit the DBHDS Adult Competency Restoration Services Report when the court changes the O-P restoration order to an inpatient restoration order.

NOTE 3: This required assessment function is not the same as the function of the outcome evaluator. The time spent by the outcome evaluator is not included under assessment on the Adult Competency Restoration Services Report.

NOTE 4: The only reasons that the CSB should NOT proceed from assessment into restoration are:

- The defendant clearly needs inpatient restoration services, is actively psychotic, won't take medications, etc.,
- The defendant refuses to meet with the restoration counselor after several attempts to engage in the process,
- The defendant is unavailable – doesn't show for several appointments and refuses to meet if in jail after several attempts to engage,
- The defendant can't be located, either the jail location or the community address,
- The defendant moves; no forwarding address in the community, or
- The defendant is transferred to a jail outside of the CSB jurisdiction

If any of these problems persist, the CSB O-P Coordinator must write to the judge (with copies to the Defense Attorney & Commonwealth Attorney) and explain the problem(s) related to the delivery of services pursuant to the § 19.2-169.2 court order. Explain all of the attempts on behalf of the CSB and make recommendations to the court. Example letters were provided at the training.

EXCEPTION FOR ASSESSMENT REQUIREMENT: When the CSB receives a 2nd (or more) O-P restoration order for the same defendant following the court disposition of the 1st O-P restoration order, there may not be a need to have additional assessment time on the 2nd (or additional) DBHDS Adult Competency Restoration Services Report.

- 2. RESTORATION** - The allowable reporting activities in this category include the following:
- delivery of psycho-educational restoration services to improve the factual and rational understanding of court issues and related documentation (not to exceed 10-15 minutes per hour of restoration service),
 - provision of pre and post tests,
 - arrangements for the provision of restoration at the jail, at the CSB, in the defendant's home, etc.,
 - travel time to provide restoration services to the defendant and return to the office,
 - psychiatric services and/or brief therapy when indicated, and
 - supervision time can be included as appropriate to the complexity of the case

NOTE 1: If the CSB proceeds past the assessment phase and attempts (but does not complete) restoration and finds that out-patient restoration is not feasible after all, an outcome evaluation is still required to obtain and submit with the letter to the court explaining the circumstances of the case and the CSB recommendation.

NOTE 2: When the CSB does complete restoration, an outcome evaluation is required to obtain and submit with the letter to the court explaining the outcome of restoration with the CSB recommendation.

3. CASE MANAGEMENT - The allowable reporting activities in this category include the following:

- arrangement of the outcome evaluation,
- correspondence to the presiding judge, the assigned Commonwealth Attorney and the defense attorney,
- completing release of information forms, etc.,
- reviewing relevant documents, and
- coordination of all services required for the restoration to competency order including collaborating with jail staff (if detained) and/or treatment providers and other collateral contacts.

CSB ASSIGNMENT WHEN ASKED BY COURT OR BY A CSB - There are times when the court will call DBHDS and ask which CSB should be ordered to provide the out-patient restoration because they don't have the CSB information or because of jurisdictional questions. In any situation, the court of jurisdiction will not change but the CSB normally associated with the court may change. If asked by the court for the appropriate CSB, we will recommend a CSB based on accessibility to/location of the defendant. Examples are below:

Example 1: If a defendant who resides in Fairfax has charges in Prince William General District Court and is on bond in Fairfax, we would recommend to the Prince William General District Court that the order be sent to the Fairfax-Falls Church CSB. This rationale is that the defendant is physically located in Fairfax.

Example 2: If a defendant who resides in Fairfax has charges in Prince William General District Court and is incarcerated in the Prince William Detention Center for the foreseeable future, we would recommend to the Prince William General District Court that the order be sent to the Prince William CSB. This rationale is that the defendant is physically located in Prince William.

CSB CASE MANAGEMENT RESPONSIBILITIES IN THE ABOVE EXAMPLES:

If Prince William CSB should get an O-P restoration order from a Prince William General District Court for a defendant who is on bond living in Fairfax, the Prince William CSB still has a court order to provide O-P restoration until and/or if the court changes the O-P restoration order to Fairfax-Falls Church CSB. Once/if the court does change the order to Fairfax-Falls Church CSB, the time that Prince William CSB spent responding to the original court order, determining the location of the defendant and communicating back to the Prince William General District Court can all be recorded as assessment and/or case management time spent on the DBHDS Adult Competency Restoration Services Report and submitted to DBHDS for payment with the letter to the court explaining the situation and the CSB recommendation.

